

REMARKS

STATUS OF CLAIMS

In response to the Office Action dated November 1, withdrawn claims 18 and 31 have been amended. Claims 1-10, 14, 22-26 and 30 are now active in this application. No new matter has been added. Claims 11-13, 15-21, 27-29, 31 and 32 are withdrawn from consideration as directed to non-elected species.

Withdrawn claim 18 has been amended to delete a comma (“,”) that was inadvertently added before “lights received by said light receiving section” in “a light intensity detecting section...” Withdrawn claim 31 has been amended to add the words “a module for” back to “detecting said main subject from said partial image” and “receiving predetermined main subject information relating to detected said main subject”. The words “a module for” were inadvertently canceled in the previous response. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1-3, 5-10, 14, 22-26 and 30 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons (USPN 6,734,911) in view of Anderson (USPN 7,106,376).

Claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons in view of Anderson, and in further view of Hanna et al. (USPN 6,714,665).

The rejections are respectfully traversed.

Independent claims 1 and 22 require extracting a partial image (by a partial image extracting unit) that contains objects only in a limited depth range that is set (by a range setting unit) from original image data input. When a main subject from the partial image is

searched, the searching time is decreased because the number of the objects contained by the partial image is small compared to that contained by the entire depth range of the original image.

In contrast, Lyons does **NOT** teach or suggest limiting the **depth range**. Lyons merely discloses changing wide field of view and narrow field of view. The Examiner should note that even though the angle of the field of view is changed in Lyons, the **depth range** (or distance range from the camera) of objects captured by the camera would never be changed. That is, an object is captured and contained in the image regardless of the depth range or distance from the camera, as long as the object is in the field of view. In addition, Lyons does **NOT** teach or suggest extracting a partial image that contains objects only in a limited depth range set by a range setting unit from the original image data input.

Anderson discloses measuring distance from camera to objects based on focus points and distinguishing background and foreground. However, Anderson does **NOT** teach or suggest extracting a partial image that contains objects only in a limited depth range set by a range setting unit from original image data input.

Thus, features recited in independent claims 1 and 22 are not disclosed or suggested by either Lyons or Anderson. Consequently, even if the teaching of Anderson were somehow combined with the disclosure of Lyons, the claimed inventions do not result. Thus, the allowance of claims independent claims 1 and 22, as well as of dependent claims 2-10, 14, 23-26 and 30 is respectfully solicited.

REJOINDER

If claims 1-10, 14, 22-26 and 30 are allowed, claims 11-13, 15-21, 27-29 will depend from allowed claims. In such case, withdrawal of the restriction requirement as to claims 11-13, 15-21 and 27-29 (as well as to claims 31 and 32) [non-elected species] and examination on the merits of these formerly non-elected species are respectfully solicited (see MPEP § 821.04 Rejoinder).

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise Reg. No. 34,523 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

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fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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